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Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd August, 1977/Sravana 11, 1899 (Saka)

The following Act of Parliament received the assent of the President on the 2nd August, 1977, and is hereby published for general information:—

THE INSECTICIDES (AMENDMENT) ACT, 1977

No. 24 OF 1977

[*2nd August*, 1977]

An Act further to amend the Insecticides Act, 1968.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Insecticides (Amendment) Act, 1977.

Amendment of section 4.

46 of 1968.

2. In section 4 of the Insecticides Act, 1968 (hereinafter referred to as the principal Act),—

(*a*) in sub-section (*3*),—

(*i*) after clause (*xiii*), the following clauses shall be inserted, namely:—

"(*xiiia*) the Animal Husbandry Commissioner, Department of Agriculture, *ex officio*;

(*xiiib*) the Joint Commissioner (Fisheries), Department of Agriculture, *ex officio*;

(*xiiic*) the Deputy Inspector General of Forests (Wild Life), Department of Agriculture, *ex officio*;

(*xiiid*) the Industrial Adviser (Chemicals), Directorate General of Technical Development, *ex officio*;";

(*u*) after clause (*xx*), the following clause shall be inserted, namely:—

"(*xxi*) one ecologist to be nominated by the Central Government.";

(*b*) in sub-section (*4*), for the brackets and figures "(*xx*)", the brackets and figures "(*xxi*)" shall be substituted;

(*c*) for sub-section (*5*), the following sub-section shall be substituted, namely:—

"(*5*) No act or proceeding of the Board, the Registration Committee or any Committee appointed under section 6, shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board, the Registration Committee or such Committee, as the case may be.".

Amendment of section 9.

3. In section 9 of the principal Act,—

(*i*) in sub-section (*3*), for the words "on such conditions", the words "on such conditions as may be specified by it" shall be substituted;

(*ii*) after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*3A*) In the case of applications received by it prior to the 31st day of March, 1975, notwithstanding the expiry of the period specified in sub-section (*3*) for the disposal of such applications, it shall be lawful and shall be deemed always to have been lawful for the Registration Committee to dispose of such applications at any time after such expiry but within a period of one year from the commencement of the Insecticides (Amendment) Act, 1977:

Provided that nothing contained in this sub-section shall be deemed to make any contravention before the commencement of the Insecticides (Amendment) Act, 1977, of a condition of a certificate of registration granted before such commencement, an offence punishable under this Act

(*3B*) Where the Registration Committee is of opinion that the insecticide is being introduced for the first time in India, it may, pending any enquiry, register it provisionally for a period of two years on such conditions as may be specified by it.

(*3C*) The Registration Committee may, having regard to the efficacy of the insecticide and its safety to human beings and animals, vary the conditions subject to which a certificate of registration has been granted and may for that purpose require the certificate-holder by notice in writing to deliver up the certificate to it within such time as may be specified in the notice.".

Amendment of section 13.

4. In section 13 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "distribute any insecticide", the words "or to undertake commercial pest control operations with the use of any insecticide" shall be inserted;

(*ii*) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that any person engaged in the commercial pest control operations immediately before the commencement of the Insecticides (Amendment) Act, 1977, shall make an application to the licensing officer for the grant of a licence within a period of six months from the commencement of the said Act.";

(*b*) in the proviso to sub-section (*4*), for the words "the proviso", the words "the first proviso or, as the case may be, the second proviso" shall be substituted;

(*c*) after sub-section (*4*), the following sub-section shall be inserted, namely:—

"(*5*) In prescribing fees for the grant or renewal of licences under this section, different fees may be prescribed for the sale or distribution of insecticides for purposes of domestic use and for other purposes.".

Amendment of section 18.

5. In section 18 of the principal Act,—

(*a*) in sub-section (*1*), for the words "transport or cause to be used", the words "transport, use, or cause to be used" shall be substituted;

(*b*) in sub-section (*2*), after the words "sale or distribute", the words "or use for commercial pest control operations" shall be inserted.

Amendment of section 21.

6. In section 21 of the principal Act,—

(*a*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

2 of 1974.

"(*2*) The provisions of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code.";

5 of 1898
2 of 1974.

(*b*) in sub-section (*3*), for the words and figures "section 57 of the Code of Criminal Procedure, 1898", the words and figures "section 42 of the Code of Criminal Procedure, 1973" shall be substituted.

Amendment of section 31

7 In sub-section (*2*) of section 31 of the principal Act, for the words "presidency magistrate or a magistrate of the first class", the words "metropolitan magistrate or a judicial magistrate of the first class" shall be substituted.

Omission of section 32

8. Section 32 of the principal Act shall be omitted.

Amendment of section 36.

9 In section 36 of the principal Act,—

(*a*) in sub-section (*2*),—

(*i*) in clause (*f*), the words "the conditions of registration and" shall be omitted;

(*ii*) clause (*x*) shall be omitted;

(b) in sub-section (3), for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following", the words "or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

K. K. SUNDARAM,
Secy. to the Govt of India

IndiaCode

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